



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
Division of Health Professions Licensure
239 Causeway Street, Suite 500, Boston, MA 02114

CHARLES D. BAKER
Governor

KARYN E. POLITO
Lieutenant Governor

Tel: 617-973-0800
TTY : 617-973-0988
Fax : 617-973-0986
www.mass.gov/dph/boards

MARYLOU SUDDERS
Secretary

MONICA BHAREL, MD, MPH
Commissioner

April 6, 2015

Via First-Class Certified Mail

No. 7012 3460 0002 3702 7392

Thomas Bright, Esq.
Hamel Marcin Dunn Reardon & Shea, PC
24 Federal Street
Boston, MA 02110

RE: In the Matter of Philip Irving, DN License No. 12970
Board of Registration in Dentistry, Docket No. DEN-2013-0068

Dear Attorney Bright:

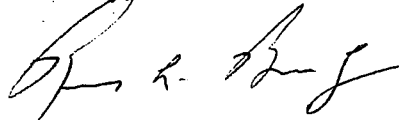
Thank you for recently returning a copy of the *Non-Disciplinary Agreement Not to Practice* signed by your client –Dr. Philip Irving. The Board of Registration in Dentistry has now signed the *Non-Disciplinary Agreement Not to Practice* (“*Agreement*”) with respect to Dr. Irving’s license to practice as a Dentist. A copy of the executed *Agreement* is enclosed for your records and for presentation to your client. Please ensure that your client notes that the effective date of the *Agreement* is April 2, 2015, as is stated on the signature page of the *Agreement*.

As of the effective date of this *Agreement*, and unless and until your client’s license is reinstated, he is required to comply with all terms of the *Agreement*. A copy of this letter and the *Agreement* will be placed in the complaint file of the above-referenced docket number. The file

will be retained for no fewer than three (3) years in accordance with state public record laws.

Thank you for your cooperation in resolving this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read 'R. L. Banks, Jr.', written in a cursive style.

Richard L. Banks, Jr.
Prosecuting Counsel
Department of Public Health
Office of the General Counsel
(617) 973-0835

Encl: *Non-Disciplinary Agreement Not to Practice*
cc: file

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

**BOARD OF REGISTRATION
IN DENTISTRY**

In the Matter of)
Dr. Philip C. Irving)
License No. DN12970)
_____)

Docket No. DEN-2013-0068

NON-DISCIPLINARY AGREEMENT NOT TO PRACTICE

The Massachusetts Board of Registration in Dentistry ("Board") and Dr. Philip C. Irving ("Licensee"), a dentist licensed by the Board, License¹ No. DN12970 ("License") do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the Licensee's record maintained by the Board:

1. The Licensee acknowledges a complaint was filed with the Board against his License, identified as Docket No. DEN-2013-0068 (the "Complaint").
2. The Licensee acknowledges the Board heard the Complaint's allegations and voted to refer the matter to prosecution or, in the alternative, offer a consent agreement for probation/stayed for six months with remedial continuing education coursework in record keeping.
3. Subsequent to the Board's vote, the Licensee represents and the Board here acknowledges that since the Complaint was initiated, the Licensee has retired and allowed his License to expire as of April 1, 2014.
4. The Licensee states that he voluntarily enters into this Non-Disciplinary Agreement Not to Practice ("Agreement") to resolve the Complaint without further proceedings before the Board and to become effective the date the Board ratifies this Agreement ("Effective Date").
5. The Licensee acknowledges he has ceased the practice of dentistry in the Commonwealth of Massachusetts.
 - a. Licensee agrees he will not engage in any activity for which a license to practice dentistry is required by M.G.L.112, §§43-53, 61. Said activities, whether paid or voluntary, include, but are not limited to, clinical treatment of

¹ The term "License" or "license" applies to both a current and expired license as well as the right to renew an expired license.

patients, review of patient record(s), development of a treatment plan, taking and/or interpretation of radiographs, and providing consultation on treatment of a patient.

6. The Board agrees that in return for the Licensee's execution of this Agreement, a **non-disciplinary action**, it will not prosecute the Complaint. The Board and Licensee agree his License status shall appear on the Board's web page as "Expired - Restriction by Agreement/Order".
7. This Agreement and its contents shall be incorporated into the records maintained by the Board. This Agreement is a public record within the meaning of M.G.L. c. 4, §7, and is subject to disclosure to the public.
8. Licensee agrees that upon the Effective Date of this Agreement, he shall comply with all of the following requirements to the Board's satisfaction:
 - (a) The Licensee shall *not* practice as a dentist in Massachusetts.
 - (b) The Licensee shall submit to the Board his dental license and any facility and individual anesthesia permits.
 - (c) The Licensee shall submit his controlled substance registrations issued by the Massachusetts Department of Public Health's Drug Control Program ("DCP") and United States Drug Enforcement Agency ("USDEA") to each of those agencies respectively.
 - (d) Within thirty days of the Effective Date, Licensee shall provide a copy of this Agreement to all jurisdictions in which he holds a license to practice dentistry.
 - (i) Licensee shall provide written documentation to the Board demonstrating his compliance with paragraph (8)(d).
 - (ii) If licensee is not licensed to practice dentistry or another profession in any other jurisdiction, he shall submit an attestation to the Board stating such.
 - (e) The Licensee shall notify the Board in writing within ten (10) days of any change in his name and/or address.
 - (f) The burden of proof of compliance with the requirements is on the Licensee.
9. The Licensee may submit a Petition for Reactivation of his license to practice dentistry. Said petition shall be in writing and must comply with the requirements of Board regulations at 234 CMR 4.10. The Petition for Reactivation shall also include:
 - (a) written proof satisfactory to the Board that he has taken and successfully

Dr. Philip C. Irving
DEN-2013-0068
DN12970

completed a Board-approved continuing education course in:

Record Keeping (6 hours)

- (b) A copy of the completed exam answer sheet for the *Massachusetts Dental Ethics and Jurisprudence Examination* taken within 60 days of his Petition for Reactivation demonstrating Licensee has successfully passed the examination.
10. The Licensee states that he has read and enters into this Agreement of his own free will. The Licensee further states he is aware that he has a right to counsel in this matter and has either conferred with counsel prior to signing this Agreement, or waived his right to have counsel.
11. A waiver by the Board of any provision of this Agreement at any time shall not constitute a waiver of any other provision of this Agreement, nor shall it constitute a waiver by the Board of its right to enforce such provision at any future time.

Licensee:

Dr Philip C. Irving
Dr. Philip C. Irving
License No. DN12970

Date Signed: 2/16/15

Board of Registration in Dentistry

Barbara A. Young RDH
~~Dr. Cynthia Stevens~~
Chairperson BARBARA A. YOUNG, RDH
EXECUTIVE DIRECTOR

Date Signed: 4/2/15

Effective Date: 4/2/15